

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**In re:**

**03 MDL 1570 (GBD)(SN)**

**TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001**

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**AHMED AHMED; STEVEN AVELLINO  
AND MARGARET CAIN; AUSTINE  
BLACKSON; JAMES BRADY; BRENDON  
BREWSTER; GABRIEL  
BUONINCONTRI; HUMAYUN Q. BUTT;  
MICHAEL CASCIO AND AILEEN  
CASCIO; BULENT CELIK; PIETRO  
CIRONE; FREDRICK A. CLARK AND  
BONITA CLARK; JIMMIE DAVIS AND  
DOROTHY DAVIS; ERIC DELLAQUILA;  
HUANG EDDIE; MARTIN EDELMAN;  
JENNY FELIX-SOLANO; JAMES  
FLEMING; JOHN FRATANGELO;  
ERNEST GENTILE; THOMAS J.  
GENTILE AND SHANNON GENTILE;  
KENNETH GRAHAM; DOROTHY  
GRAHAM-BLACK; JUSTIN HAY AND  
MARIAN CATO-HAY; STEPHEN  
HOLIHAN; EMMETT C. HOSKINS AND  
GLORIA HOSKINS; MICHAEL  
JANKOWSKI; PETER JOSEPH AND  
SHARON JOSEPH; MORGAN S. KARP;  
LEO KEHOE; VICTOR LAGUER; EDWIN  
MAHER; BRENDAN MARTINEZ;  
GREGORY MCCANTS; BRIAN  
MCCONVILLE; ANDREW MCCREA AND  
JEANINE MCCREA; RICHARD  
MCMAHON; SHAUN MCNALLY; URI  
MCPHILL; THOMAS MICHEL; ROSZEL  
MORRIS; STEPHANIE MOUKAZIS;  
RITA NDOCI; JAMES PALMIERI; DAVID  
PETERSON; PETER A. PETITO AND  
CATHERINE PETITO; GREGORY  
PHILLIPS; PEDRO LUIS QUILES;  
MICHAEL REGAN; JUDY RESNICK;  
VERNEL RHODEN; MAREK ROLEK;  
AHOVA RUBINSTEIN; CHRISTOPHER  
RYAN AND DIANNA RYAN; EDWARD**

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**SAUDI ARABIA SHORT FORM  
COMPLAINT AND DEMAND  
FOR TRIAL BY JURY**

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**SACCO; MICHAEL SCHWEIGER AND  
CAREN SCHWIEGER; JONATHAN  
SFERAZO AND LENA SFERAZO; GREG  
SHAVEL; DEREK SMITH AND KEACHA  
SMITH; NETA SMITH; EDWARD  
SZEWCZYK AND LIDIA SZEWCZYK;  
THOMAS WHITSETT; AND KATHY  
WILLIAMS**

**PLAINTIFF(S),**

**-against-**

**KINGDOM OF SAUDI ARABIA,**

**DEFENDANT.**

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Plaintiffs named herein by and through the undersigned counsel file this Short Form Complaint against Defendant, the Kingdom of Saudi Arabia, arising out of the September 11, 2001 terrorist attacks (“September 11, 2001 Terrorist Attacks”), as permitted and approved by the Court’s Order of July 10, 2018, ECF No. 4045. Each Plaintiff incorporates by reference the specific allegations, as indicated below, of (a) the Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463, or (b) the Complaint Against the Kingdom of Saudi Arabia, *Ashton v. Kingdom of Saudi Arabia*, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1.

Upon filing this Saudi Arabia Short Form Complaint, each Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with that complaint; and all prior Orders and rulings of the Court in connection with that complaint.

**VENUE**

1. Venue in this district is proper pursuant to 28 U.S.C. §§ 1391(b)(2) and 1391(f)(1), as a substantial part of the events giving rise to the claims asserted herein occurred in this district.

Venue is also proper in this district pursuant to 18 U.S.C. § 2334(a).

### JURISDICTION

2. Jurisdiction is premised on the grounds set forth in the complaints specified below, and further, jurisdiction of this Saudi Arabia Short Form Complaint is premised upon and applicable to all defendants in this action:

- ☒ 28 U.S. C. § 1605(a)(5) (non-commercial tort exception)
- ☒ 28 U.S. C. § 1605B (Justice against Sponsors of Terrorism Act)
- ☒ 28 U.S. C. § 1330 (actions against foreign states)
- ☐ Other: (set forth below the basis of any additional ground for jurisdiction and plead such in sufficient detail as per the FRCP):

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### CAUSES OF ACTION

3. Each Plaintiff hereby adopts and incorporates herein by reference the following factual allegations, jurisdictional allegations, and jury trial demand in the following complaint [check only one complaint] and the following causes of action set forth in that complaint:

☒ **Consolidated Amended Complaint as to the Kingdom of Saudi Arabia, ECF No. 3463 (check all causes of action that apply)**

- ☒ COUNT I - Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(d) (JASTA).
- ☒ COUNT II - Aiding and Abetting and Conspiring with Al Qaeda to Commit the September 11<sup>th</sup> Attacks upon the United States in violation of 18 U.S.C. § 2333(a).
- ☒ COUNT III - Committing Acts of International Terrorism in Violation of 18 U.S.C. § 2333.
- ☒ COUNT IV - Wrongful Death.

- ☒ COUNT VI - Alien Tort Claims Act.
- ☒ COUNT VII - Assault and Battery.
- ☒ COUNT VIII - Conspiracy.
- ☒ COUNT IX - Aiding and Abetting.
- ☒ COUNT X - Intentional Infliction of Emotional Distress.
- ☒ COUNT XII - Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Supervising Employees and Agents.
- ☒ COUNT XIII - Liability Pursuant to Restatement (Second) of Torts § 317 and Restatement (Third) of Agency § 7.05: Hiring, Selecting, and Retaining Employees and Agents.
- ☒ COUNT XIV - 18 U.S.C. § 1962(a)-(d) – CIVIL RICO.
- ☒ COUNT XV - Trespass.
- ☒ COUNT XVI - Violations of International Law.

☐ **Complaint Against the Kingdom of Saudi Arabia, Ashton v. Kingdom of Saudi Arabia, No. 17-CV-2003 (GBD)(SN) (S.D.N.Y. Mar. 30, 2017), ECF No. 1 (check all causes of action that apply)**

- ☐ First Cause of Action to Recover Wrongful Death Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ First Cause of Action to Recover Personal Injury Damages Pursuant to 28 U.S.C. § 1605B (the Justice Against Sponsors of Terrorism Act or JASTA) and 18 U.S.C. § 2333 *et seq.* (the Anti-Terrorism Act or ATA)
- ☐ Second Cause of Action for Wrongful Death Damages Pursuant to State Tort Law
- ☐ Second Cause of Action for Personal Injury Damages Pursuant to State Tort Law
- ☐ Third Cause of Action for Wrongful Death Damages Pursuant to the Alien Tort Claims Act

- ☐ Third Cause of Action for Personal Injury Damages Pursuant to the Alien Tort Claims Act
- ☐ Each Plaintiff asserts the following additional theories and/or Causes of Action against the Kingdom of Saudi Arabia:

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#### **IDENTIFICATION OF PLAINTIFFS**

4. The following allegations and information are alleged on behalf of each individual who is bringing this claim, as indicated on Appendix 1 to this Saudi Arabia Short Form Complaint, herein referred to as “Plaintiffs.”

- a. The citizenship/nationality of each Plaintiff is indicated at Appendix 1 to this Saudi Arabia Short Form Complaint.
- b. Plaintiff is entitled to recover damages on the causes of action set forth in this Saudi Arabia Short Form Complaint.
- c. As indicated at Appendix 1, Plaintiff (i) is the estate representative of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; (ii) is the surviving immediate family member of someone who was killed as a result of the September 11, 2001 Terrorist Attacks; and/or (iii) suffered physical injuries as a result of the September 11, 2001 Terrorist Attacks.
- d. For those plaintiffs with injury claims, as indicated in Appendix 1, on or after September 11, 2001, said Plaintiff was present at the Pentagon and/or the World Trade Center site and/or its surroundings and/or lower Manhattan and/or at an area wherein he/she was exposed to toxins as a result of the terrorist attacks and was exposed to toxins from the attacks, and/or was otherwise injured, and/or as

otherwise alleged, as stated specifically in Appendix 1.

- e. For those plaintiffs with personal injury and/or wrongful death claims, as indicated in Appendix 1, as a direct, proximate and foreseeable result of Defendant's actions or inactions, Plaintiff or his or her decedent suffered bodily injury and/or death, and consequently economic and other losses, including but not limited to pain and suffering, emotional distress, psychological injuries, and loss of enjoyment of life, and/or as described in the Saudi Arabia Short Form Complaint, and/or as otherwise may be specified in subsequent discovery proceedings, and/or as otherwise alleged in Appendix 1.
- f. The name, relationship to the injured and/or deceased September 11 victim, residency, citizenship/nationality, and the general nature of the claim for each plaintiff asserting wrongful death and/or solatium claims is listed on the attached Appendix 1, and is incorporated herein as allegations, with all allegations of the related complaints, as specified above, deemed alleged as to each Plaintiff.

#### **IDENTIFICATION OF THE DEFENDANT**

- 5. The only Defendant named in this Saudi Arabia Short Form Complaint is the Kingdom of Saudi Arabia.

#### **NO WAIVER OF OTHER CLAIMS**

- 6. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) is/are not waiving any right to file suit against any other potential defendants or parties.

- 7. By filing this Saudi Arabia Short Form Complaint, Plaintiff(s) are not opting out of any class that the Court may certify in the future.

#### **JURY DEMAND**

- 8. Each Plaintiff hereby demands a trial by jury as to the claims in this action.

WHEREFORE, Plaintiffs pray for relief and judgment against Defendant as set forth in this Saudi Arabia Short Form Complaint as appropriate.

Dated: January 2, 2019

Respectfully Submitted,

/s/ Christopher R. LoPalo

Christopher R. LoPalo (CL-6466)

Paul J. Napoli (PN-8845)

Jaquay Felix (JF-6030)

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*COUNSEL FOR PLAINTIFFS*

See Appendix 1 Annexed

**APPENDIX 1**

Each line below is deemed an allegation, incorporating the allegations, language and references within the Saudi Arabia Short Form Complaint to which this Appendix 1 is appended and shall be referenced as Allegation 1 of Appendix 1 to the Saudi Arabia Short Form Complaint, Allegation 2 of Appendix 1 to the Saudi Arabia Short Form Complaint, etc.

	<b>Plaintiff's Name (alphabetical by last name)</b>	<b>Plaintiff's State of Residency at Filing (or death)</b>	<b>Plaintiff's Citizenship/ Nationality on 9/11/2001</b>	<b>9/11 Decedent's Full Name</b>	<b>Plaintiff's Relationship to 9/11 Decedent</b>	<b>9/11 Decedent's Citizenship/ Nationality on 9/11/2001</b>	<b>Nature of Claim (wrongful death, solatium, personal injury)</b>
1.	Ahmed Ahmed	NJ	USA				Personal Injury
2.	Steven Avellino	NY	USA				Personal Injury
3.	Margaret Cain	NY	USA				Loss of Consortium
4.	Austine Blackson	NY	USA				Personal Injury
5.	James Brady	NY	USA				Personal Injury
6.	Brendon Brewster	FL	USA				Personal Injury
7.	Gabriel Buonincontri	NY	USA				Personal Injury
8.	Humayun Q. Butt	NY	USA				Personal Injury
9.	Michael Cascio	NY	USA				Personal Injury
10.	Aileen Cascio	NY	USA				Loss of Consortium
11.	Bulent Celik	NJ	USA				Personal Injury
12.	Pietro Cirone	NY	USA				Personal Injury
13.	Fredrick A. Clark	NC	USA				Personal Injury
14.	Bonita Clark	NC	USA				Loss of Consortium
15.	Jimmie Davis	NY	USA				Personal Injury
16.	Dorothy Davis	NY	USA				Loss of Consortium
17.	Eric Dellaquila	NY	USA				Personal Injury
18.	Huang Eddie	NY	USA				Personal Injury
19.	Martin Edelman	NY	USA				Personal Injury
20.	Jenny Felix-Solano	NJ	USA				Personal Injury
21.	James Fleming	NY	USA				Personal Injury
22.	John Fratangelo	NY	USA				Personal Injury
23.	Ernest Gentile	NY	USA				Personal Injury
24.	Thomas J. Gentile	NY	USA				Personal Injury
25.	Shannon Gentile	NY	USA				Loss of Consortium
26.	Kenneth Graham	NY	USA				Personal Injury
27.	Dorothy Graham-Black	NY	USA				Personal Injury
28.	Justin Hay	NJ	USA				Personal Injury



29.	Marian Cato-Hay	NJ	USA				Loss of Consortium
30.	Stephen Holihan	NY	USA				Personal Injury
31.	Emmett C. Hoskins	NY	USA				Personal Injury
32.	Gloria Hoskins	NY	USA				Loss of Consortium
33.	Michael Jankowski	NY	USA				Personal Injury
34.	Peter Joseph	NY	USA				Personal Injury
35.	Sharon Joseph	NY	USA				Loss of Consortium
36.	Morgan S. Karp	NY	USA				Personal Injury
37.	Leo Kehoe	NY	USA				Personal Injury
38.	Victor Laguer	FL	USA				Personal Injury
39.	Edwin Maher	NY	USA				Personal Injury
40.	Brendan Martinez	NY	USA				Personal Injury
41.	Gregory McCants	NY	USA				Personal Injury
42.	Brian McConville	NY	USA				Personal Injury
43.	Andrew McCrea	NY	USA				Personal Injury
44.	Jeanine McCrea	NY	USA				Loss of Consortium
45.	Richard McMahon	NY	USA				Personal Injury
46.	Shaun McNally	NY	USA				Personal Injury
47.	Uri McPhill	NY	USA				Personal Injury
48.	Thomas Michel	NY	USA				Personal Injury
49.	Roszel Morris	NY	USA				Personal Injury
50.	Stephanie Moukazis	NY	USA				Personal Injury
51.	Rita Ndoci	NY	USA				Personal Injury
52.	James Palmieri	NJ	USA				Personal Injury
53.	David Peterson	NY	USA				Personal Injury
54.	Peter A. Petito	NY	USA				Personal Injury
55.	Catherine Petito	NY	USA				Loss of Consortium
56.	Gregory Phillips	NY	USA				Personal Injury
57.	Pedro Luis Quiles	NY	USA				Personal Injury
58.	Michael Regan	NY	USA				Personal Injury
59.	Judy Resnick	NY	USA				Personal Injury
60.	Vernel Rhoden	NY	USA				Personal Injury
61.	Marek Rolek	NY	USA				Personal Injury
62.	Ahouva Rubinstein	NY	USA				Personal Injury
63.	Christopher Ryan	NY	USA				Personal Injury
64.	Dianna Ryan	NY	USA				Loss of Consortium
65.	Edward Sacco	NY	USA				Personal Injury
66.	Michael Schweiger	NY	USA				Personal Injury
67.	Caren Schwieger	NY	USA				Loss of Consortium
68.	Jonathan Sferazo	NY	USA				Personal Injury

69.	Lena Sferazo	NY	USA				Loss of Consortium
70.	Greg Shavel	NY	USA				Personal Injury
71.	Derek Smith	NY	USA				Personal Injury
72.	Keacha Smith	NY	USA				Loss of Consortium
73.	Neta Smith	NY	USA				Personal Injury
74.	Edward Szewczyk	NY	USA				Personal Injury
75.	Lidia Szewczyk	NY	USA				Loss of Consortium
76.	Thomas Whitsett	NY	USA				Personal Injury
77.	Kathy Williams	NY	USA				Personal Injury